

EDMOND CITY COUNCIL MINUTES

March 10, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, March 10, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve February 24, 2003, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **Presentation of proclamation commending Edmond military personnel who have been or may be deployed to the Persian Gulf region.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated Robin Roads for appointment to serve a term expiring in January, 2005.

Motion by Knox, seconded by Rice, to approve Item 4.A.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

B. **Appointment to the Edmond Convention and Tourism Advisory Board.** Mayor Naifeh nominated Marilyn Kriedler for appointment to serve a term expiring in October, 2004.

Motion by Rice, seconded by Knox, to approve Item 4.B.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: Councilmember Miller

5. **GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

1) **Acceptance of public improvements and maintenance bonds for the following:**

- a) Kelly Pointe (33rd and Kelly)
- b) FY 2001/02 Spring Street Overlay project

2) **Approval of fund appropriation from the 038 Undesignated Fund balance for the following:**

- a) 2nd St. and Bryant Intersection Improvement project
- b) 33rd Street widening project, Kelly to Santa Fe
- c) Bickham Softball Complex renovation project

3) **Approval of supplemental appropriations from the 038 Undesignated Fund balance for the Firearms Training Facility project - \$45,000**

4) **Acceptance of General Fund Advance No. 2 for the KickingBird Golf Course fund in the amount of \$90,000; and a six-month extension to Advance No. 1 repayment schedule.**

5) **Approval of supplemental appropriations for election costs from the Undesignated Fund balance - \$14,000**

6) **Public Hearing and Consideration of a drilling/operations permit for one oil/gas well (Hickman-1), located 2,310 feet east of Sooner Road and 380 feet south of Sorghum Mill Road (Continued from February 24, 2003, City Council meeting).**

7) **Approval of the Individual Permit Application for Phase II Municipal Separate Storm Sewer System (MS4) Discharges for submittal to the Oklahoma Department of Environmental Quality.**

Motion by Lamb, seconded by Knox, to approve General Consent Items 5.A.(1-7). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller
NAYS: None

B. **Approval of Purchases:**

1) **Approval of professional services agreement with Cobb Engineering Company for construction management and inspection services related to construction of facilities located at the Cross Timbers Municipal Complex in the amount of \$260,180.**

2) **Approval of agreement with The Small Group to provide design services for a streetscape project on the northwest corner of 2nd Street and Broadway in the amount of \$7,000, as recommended by the Central Edmond Urban Development Board.** The streetscape will consist of streetlights, trees and other landscaping to improve the downtown area.

Councilmember Knox stated he preferred not to design only one corner since that area will eventually become a gateway to the downtown area. He stated he would rather design all four corners at one time once the Council and area business owners determine what the project will entail.

Councilmember Lamb stated the original agreement was discussed when the Edmond Sun began their renovation to the outside of their building. He noted this project was going to be a joint venture similar to the other three projects that have been done downtown. Councilmember Lamb stated the plan got complicated when the contract contained other facets and the Urban Board decided to segregate just the portion that deals with the frontage in front of the Edmond Sun as part of their remodeling project. He stated regarding future gateways, the concept of the Urban Board would be that if the other corners are streetscaped, that they would mirror the improvements made in front of the Edmond Sun building.

Councilmember Rice stated a gateway project will be more expensive and could be years away from implementation. He stated the proposed project will only consist of a small amount of landscaping and he likes the project because the City will be working with a remodeling project by a private owner.

Mike Clark, assistant to the City Architect, addressed Council and stated the architect originally designed the northeast and northwest corners plus a pedestrian island in the middle of Broadway and a crosswalk. He stated without the cooperation of the property owner on the northeast corner and the Engineering Department regarding the pedestrian island and the crosswalk, the Urban Board decided to parallel the remodeling project of the Edmond Sun.

Motion by Lamb, seconded by Rice, to approve General Consent Item 5.B.(2). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller
NAYS: Councilmember Knox

3) **Award of bid and approval of contract for the Firearms Training Facility project and Resolution No. 05-03 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from C.D. Kyle Company in the amount of \$229,000.

4) **Approval of Contract Amendment with Blair Remy Corporation for the Festival Marketplace in the reduced amount of \$29,825.60.**

5) **Approval of Change Order No. 2 with McConnell Construction for the 2002 Spring Street Overlay project in the reduced amount of \$157,745.10.**

6) **Award of bid for rehabilitation of residential structure located at 141 W. Thatcher.** The Citizens Participation Committee recommended accepting bid from L.G. Construction in the amount of \$79,374.

Motion by Knox, seconded by Miller, to approve General Consent Items 5.B.(1,3-6). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

6. Approval of Tort Claim Committee's recommendations on Tort Claims.

CLAIM NUMBER

RECOMMENDATION

22-0070	Street Department	Pay - \$2,632.16
22-0062	Street Department	Pay - \$1,500.00

Motion by Rice, seconded by Miller, to approve Tort Claim Committee's recommendations on Tort Claims. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

Motion by Lamb, seconded by Miller, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

9. PLANNING CONSENT ITEMS:

A. Public Hearing and Consideration of commercial Site Plan approval for the Fine Arts Institute.

Bruce Carpenter, area property owner, addressed Council and stated most of the homes in this area are older and have full basements and their own septic systems. Mr. Carpenter requested the applicant perform test drilling on the foundation since there is a high water level in this area. He stated the present fence is in dis-repair and there is a pecan tree that he wishes to save. He stated he did not know at this time if the tree is on his property or the applicant's property.

Randel Shadid, attorney representing the applicant, addressed Council and stated soil tests did not show any water problems in this area. He stated they would attempt to save the pecan tree if it is found to be on Mr. Carpenter's property. He stated it was doubtful if tree could be saved if it is actually on the applicant's property.

General discussion was held and consensus of Council was to continue this item in order to determine the exact location of the tree and to work out a solution with Mr. Carpenter.

Motion by Lamb, seconded by Miller, to continue Planning Consent Item 9.A. to the next meeting. **Motion carried** as

follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

Councilmember Knox temporarily left the City Council Chambers.

- B. **Public Hearing and Consideration of Ordinance No. 2777 rezoning from "D-2" Neighborhood Commercial District to "D-3" Office Commercial District, located on the south side of Medical Center Drive, west of the Legacy Woods Apartments (Henry Pearce, applicant) Case No. Z020025.**

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2777 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb
and Miller

NAYS: None

- C. **Public Hearing and Consideration of commercial Site Plan approval for hospital and medical clinic, located east of Bryant on the south side of Medical Center Drive (Henry Pearce, applicant) Case No. SP030007.**

Stan Tatum, CEO of Edmond Medical Center, addressed Council in opposition. Mr. Tatum stated in the last several years this is the third application for a specialty hospital. He stated Edmond Medical Center is the only hospital in Edmond to offer 24 hour emergency care and he requested Council not put all the burden for acute care on the Edmond Medical Center. Mr. Tatum requested that Council require the specialty hospitals to take indigent care, Medicare, Medicaid, provide 24 hour emergency care and do their community service.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 9.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb
and Miller

NAYS: None

Councilmember Knox returned to the City Council Chambers.

- D. **Public Hearing and Consideration of Site Plan approval for apartments, located on the north side of University, west of Chowning (Oklahoma Development Group/Dillon Park, applicant) Case No. SP030005.**

Motion by Knox, seconded by Lamb, to approve Planning Consent Item 9.D. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

- E. **Public Hearing and Consideration of Preliminary Plat of the Villas at Hunters Creek, located south of Coffee Creek Road, west of Kelly Avenue (Tim Hughes, applicant) Case No. PR030001.**

Motion by Lamb, seconded by Knox, to approve Planning Consent Item 9.E. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

10. Public Hearing and Consideration of commercial Site Plan approval for Ted's Café, located at 801 E. Danforth Road (formerly Bellini's) (Hal Smith Restaurant Group, applicant) Case No. SP030006. The applicant is requesting approval for a new parking lot containing 67 additional spaces for a total of 146 parking spaces. Of the 79 existing parking spaces, six will be removed along Olde Depot south of the new driveway in order to save two existing trees. Some existing native trees will be removed during construction of the new parking lot.

Dennis Box, attorney representing the applicant, addressed Council and stated they plan to add an additional 10 trees in place of the six parking spaces that were removed. Mr. Box stated the parking exceeds parking requirements. He stated the project will not cause additional drainage problems and their drainage plan has been approved by City staff.

Councilmember Knox stated he was in favor of the additional parking lot in order to keep customers from parking in the street.

Chris Palmer, 1501 Olde Depot Drive, addressed Council and stated he was in favor of increasing the parking spaces. He

requested that City staff closely monitor erosion control devices used by the developer and he also requested the applicant install an irrigation system.

Judy Ingle, 908 Prospect, addressed Council and stated she did not feel the parking was adequate. She requested "No Parking" signs be placed on the street to help alleviate the parking problems. Ron Squires, Olde Towne Addition, addressed Council in support of placing no parking signs on the street.

Councilmember Rice stated he preferred to wait to see if parking is a problem before placing no parking signs on the street.

Motion by Knox, seconded by Miller, to approve Item No. 10 subject to the plan revisions as noted above and to address parking if problems occur. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Site Plan approval for Chapel Ridge Apartments located on the east side of Thomas, 400 feet south of Covell Road (ERC Properties, applicant) Case No. SP030004. The site contains 10.7 acres and 160 apartments are proposed. The parking lot will contain 320 parking spaces. All the buildings will have sprinkler systems. Two driveways are proposed on Thomas Drive.

Councilmember Knox stated he felt that rumors were being circulated containing misinformation.

Councilmember Rice suggested the developer and homeowners schedule a Community Connections meeting in order to discuss the application. He stated this item has generated more calls than any other item since he became a Councilmember.

Larry Stevens, City Manager, addressed Council and explained to homeowners the purpose of Community Connections meetings.

Several audience members stated they would prefer to discuss the matter at this meeting since they were already here.

Bert Berlanger, Director of Development and General Counsel for the applicant, addressed Council and stated they preferred not to participate in a Community Connections meeting. Mr. Berlanger stated the process was too far along and a Community

Connections meeting should have been held prior to the Site Plan process. He stated he felt that the a Community Connections meeting would not eliminate the homeowners opposition to this project. Mr. Berlanger stated the project is a high quality apartment complex that will be financed by using tax exempt bonds. He stated the complex is not a Section 8 welfare project and that 25% of the apartments will be market rate rentals. Mr. Berlanger stated the remainder of the apartments will be rented to residents who fall into a preset salary range. He stated this complex will be the same type of project as the first Chapel Ridge complex that is currently on 15th Street. He noted that the bonds have a time limit and building permits must be applied for by spring.

Donald Frazier (Stonebrooke Addition), Chris and Mark Fullerton (Coffee Creek Addition), Brian Morris (Hawk's Landing) and Mark Spencer (Coffee Creek Addition) addressed Council in opposition. Their primary concerns were lowered property values, increased traffic, crime and over crowding of John Ross Elementary School. Mrs. Fullerton also stated she felt that the City did not need more affordable housing units because there were already more in Edmond than in other metro cities. The opponents also stated they were not aware of this development until it reached this stage and felt the notification process was not adequate and they did not have time to protest the proposed apartment complex.

Councilmembers Knox and Rice stated that notice of the rezoning process last year followed all state requirements and there were no protestants. Councilmember Knox stated the issue before Council was only the site plan and that the time for protesting the zoning issues was past.

Rogers Overby, Coffee Creek Addition, addressed Council and asked the process for overturning the rezoning approval.

Steve Murdock, City Attorney, addressed Council and stated the residents could submit a referendum petition or request that Council re-consider the previous rezoning approval. He stated the time frame for the referendum petition could possibly have expired, if so the next step for residents would be to gather signatures on an initiative petition.

Jim Zuckerman addressed Council and stated he was in favor of scheduling a Community Connections meeting.

Tom Schroeder, active duty military personnel, addressed Council

and requested the application be continued for a month to allow other military personnel who had been shipped out to respond to this issue.

Leslie Blanchard addressed Council and asked if anything would be accomplished by scheduling a Community Connections meeting. Mayor Naifeh reiterated that the time for protesting the rezoning was past and that a Community Connections meeting would be only for Site Plan issues.

General discussion was held and Mayor Naifeh determined that there was adequate interest from the residents to schedule a Community Connections meeting for residents and the developer to discuss this matter. It was noted that the Council would not be involved in the Community Connections meeting.

Motion by Rice, seconded by Miller, to continue Item No. 11 to the next meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

12. Public Hearing and Consideration of Ordinance No. 2778 rezoning from "D-O" Suburban Office to "D-O" Suburban Office Planned Unit Development (PUD), located on the northwest corner of Locust Lane and Bryant Avenue (Terry Kerr/Stonebrooke Plaza) Case No. Z020065. The tract contains 1.93 acres and will be divided into six individually owned building sites. The site will contain a common parking area and detention area and one common sign. The PUD Design Statement has been amended as follows:

- 1) Total building area for all buildings not to exceed 22,517 square feet
- 2) Not more than six buildings nor less than four
- 3) Maximum of 75 parking spaces
- 4) Covered parking in center of project
- 5) Buildings will use the same design concept and exterior materials
- 6) Landscaping to be 30% to 34%
- 7) No access from Locust Lane
- 8) Office park buildings to range in size from 3,000 to 6,100 square feet
- 9) Buildings to be one or two stories in height
- 10) Buildings to be owner occupied
- 11) Roof pitch not to exceed 12/12 and not less than 6/12 on major portion of roof
- 12) Exterior walls to be at least 75% masonry
- 13) Buildings not to exceed 26% of entire site
- 14) Building and parking to be within building lines except for parking at west end
- 15) Detention area to be stone lined on east side of property in the 50 foot setback area

Councilmember Lamb stated the PUD incorporated all the items that were discussed at the previous meeting.

Nancy Nelson, property owner adjacent to the property on the north, addressed Council and stated a building would only be 15 feet from her property. She noted that the site contains over

50 mature trees and that the application contained no landscaping on Locust Lane. Ms. Nelson also was opposed to the height of the buildings. Stan Hoig also addressed Council regarding the landscaping on Locust Lane.

Councilmember Lamb stated landscaping will be considered with each building application and that grading and topography will be considered during the preliminary plat and final plat process.

Terry Kerr addressed Council and stated they developed a landscaping concept and placed a certain number of landscaping percentage points in the office owners association real estate and then left a certain amount of points for each lot. He stated that Locust Lane will be landscaped and a portion of the existing driveway will be removed.

Councilmember Rice stated he was opposed to the application because he felt the applicant was attempting to place too many buildings on this small tract.

Motion by Knox, seconded by Rice, to approve Ordinance No. 2778 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox and Lamb

NAYS: Councilmembers Rice and Miller

13. Public Hearing and Consideration of Ordinance No. 2779 amending Chapter 17.04, City of Edmond Fire Prevention Code, providing for the Department of Fire Prevention, and amendments to the International Fire Code, 2000 Edition, and providing for Repealer and Severability. This item was discussed at the February 10, 2003, meeting. The proposed ordinance will update the Fire Code to coincide with the building construction codes.

Councilmember Miller stated he had some concerns regarding Section 17.04.080. He stated the intent of the ordinance is for commercial purposes and not single family residences.

Ed Steiner, Director of Building Services, addressed Council and recommended the addition of the following sentence - "Inspection must be scheduled 24 hours prior to date of inspection."

Motion by Miller, seconded by Knox, to approve Ordinance No. 2779 as read by title by City Attorney subject to the above amendment. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

14. Executive Session to discuss purchase of real property along 2nd Street, south of the University of Central Oklahoma campus (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(3)).

15. Executive Session to discuss the appointment, employment of the City Attorney, City Manager, Municipal Judge and Assistant Municipal Judge (Executive Session authorized pursuant to 25. Okla. Stat. Section 307 (B)(1)).

Motion by Lamb, seconded by Miller, to meet in Executive Session to discuss the above items. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 8:23 p.m. and returned to the City Council Chambers at 9:00 p.m.

Motion by Lamb, seconded by Miller, to adjourn Executive Session. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

16. Consideration of action with regard to purchase of real property located along 2nd Street, south of the University of Central Oklahoma campus.

Motion by Miller, seconded by Knox, to authorize the purchase agreement in the amount of \$730,000 plus closing costs. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

17. Consideration of action with regard to the appointment, employment of the City Attorney, City Manager, Municipal Judge and Assistant Municipal Judge.

Motion by Rice, seconded by Lamb, to continue the employment of the above employees and to increase the annual salary of the City Attorney to \$95,000; City Manager to \$112,500; Municipal Judge to \$44,600 and Assistant Municipal Judge to \$15,600.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

18. NEW BUSINESS: None

19. Motion by Lamb, seconded by Rice, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

City Clerk

Mayor